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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,626	08/30/2001	Safwan Shah	020342-000900US	9256
20350	7590	07/27/2005	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			LY, ANH	
			ART UNIT	PAPER NUMBER
			2162	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/944,626

Applicant(s)

SHAH ET AL.

Examiner

Anh Ly

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-19,21 and 23-40 is/are pending in the application.
- 4a) Of the above claim(s) 2,20 and 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1,3-19,21 and 23-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This is response to Applicants' Filing RCE and Amendment filed on 06/22/2005.
2. Claims 2, 20 and 22 are cancelled (dated 07/12/2004).
3. Claims 1, 3-19, 21 and 23-40 are pending in this Application.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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6. Claims 1, 3-4, 8-10, 13-14, 16-18, 23-27, 31-32, 34-35 and 36-37 and 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pub. No.: US 2002/0016740 of Ogasawara in view of Pub. No.: US 2005/0040230 A1 of Swartz et al. (hereinafter Swartz).

With respect to claim 1, Ogasawara teaches maintaining a database that includes identification information for a plurality of customers (customer database is containing customer data or information for a plurality of customers: sections 0011, 0015 and 0020); and

identifying customers who physically visit a first entity from the database information, wherein some of such customers execute a transaction with the first entity and some of such customers do not execute a transaction with the first entity (identified customers are visiting the store whose staffs or salespersons are able to provide appropriate assistant to those customers and customers are recorded or kept tracking by video camera, videographic image: see abstract, sections 0014, 0016-0017).

for each customer who executes a transaction with the first entity and for each customer who does not execute a transaction with the first entity 9video camera which captures videographic image of a customer does/does not make transaction with the establishment (sections 0006, 0015, and 0035-0036).

Ogasaware teaches having a electronic computerized system, which is able to collect, store and maintain customers' information including customer identifying information in real-time and make that information available to retail or chain store's sale force, such that a staff in the store is able to identifying customers and obtain customer

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profile and shopping preference information such that they are able to provide appropriate shopping assistance to that customer. Also the establishment is kept tracking of the customer by capturing his/her image as she/he does or does not make transactions with the store. Ogasawara teach the first entity from the database information to identify customer being visited by the staff via customer profile database (sections 0013, 0014 and 0018). Ogasawara does not clearly teach recording particulars of such each customer's visit and particulars of the transaction in the database as part of a record affiliated with an identification of such each customer and recording particulars of such each customer's visit in the database as part of a record affiliated with an identification of such each customer.

However, Swartz teaches a video camera can be positioned to record customer transactions (sections 0079, 0 115 and 0191).

Therefore, It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Ogasawara with the teachings of Swartz, wherein tracking the number of visit customer is provided therein (see fig. 1 and figs. 3-4) would incorporate the use of capturing customer's transactions by a video camera, in the same conventional manner as disclosed by Swartz (section 0115). The motivation being to provide the means to keep track the visit customer movement across establishments even they do not do any transaction with the store from which a database containing the customer profile is developed.

With respect to claim 3, Ogasawara teaches further comprising developing the customer profile from the database information and from identifying the customers who physically visit the first entity (sections 0018 and 0020).

With respect to claim 4, Ogasawara teaches wherein developing the customer profile comprises accessing an external database (store's database server or central database server: sections 0015 and 0020).

With respect to claim 8, Ogasawara teaches wherein identifying customers comprises identifying customers with a card (an customer identification card: sections 0014 and 0016).

With respect to claim 9, Ogasawara teaches wherein the card was not originally issued for identifying customers who physically visit the first entity (credit card or smart card or personal memory card: sections 0036 and 0038).

With respect to claim 10, Ogasawara teaches wherein the card comprises a magnetic stripe and wherein identifying customers with the card comprises reading the magnetic stripe (credit card or magnetic stripe card: sections 0017 and Page 4, section 0036).

With respect to claim 13, Ogasawara teaches identifying customers with a personal identification number (personal ID or customer ID card including personal identification number issuing from the store: sections 0020 and 0033);

With respect to claim 14, Ogasawara teaches wherein identifying customers who physically visit the first entity comprises identifying customers with a physical station associated with a first organization, the method further comprising identifying customers

who visit a second entity from the database information, the second entity being associated with a second organization, wherein some of such customers who visit the second entity execute a transaction with the second entity and some of such customers who visit the second entity do not execute a transaction with the second entity (retail stores, large department stores, retail department store: sections 0029, 0035 and 0036).

With respect to claims 16-18, Ogasawara teaches determining a customer conversion efficiency for at least one of the first and second entities, determining a customer conversion efficiency for a combination of the first and second entities, and administering a customer loyalty program to incentivize customers to provide the identification information (establishment, stores and shopping system: sections 0014, 0016-0018 and 0020, and sections 0036 and 0038).

With respect to claim 23, Ogasawara teaches administering a customer loyalty program to incentivize customers to provide the identification information, a shop, an establishment (sections 0013 and 0014; also sections 0036 and 0038 and section 0063).

With respect to claim 26, Ogasawara teaches identifying customers who visit an internet site affiliated with the first entity, wherein some such customers who visit the internet site execute a transaction with the first entity and some of such customers who visit the internet site do not execute a transaction with the first entity (sections 0013 and 0014; also sections 0036 and 0038 and section 0063).

With respect to claim 27, Ogasawara teaches enrolling customers to obtain the identification information (section 0020).

With respect to claim 31, Ogasawara teaches a storage device configured to store customer identification information (see figs. 1 and 7, sections 0036 and 0064);

at least one communications devices configured to permit exchange of data with a plurality of stations (communication devices link to store server system such as LAN, a distributed set of network servers: section 0068, also section 0067 a plurality of store terminals);

a processor in communication with the storage device and the at least one communications device, wherein the processor is configured to identify customers who physically visit one of the plurality of stations at a first entity, wherein some of such customers execute a transaction with the first entity and some of such customers do not execute a transaction with the first entity (see figs 1 and 7 and sections 0067 and 0068; also sections 0013 and 0014); and

for each customer who executes a transaction with the first entity and for each customer who does not execute a transaction with the first entity 9video camera which captures videographic image of a customer does/does not make transaction with the establishment (sections 0006, 0015, and 0035-0036).

Ogasaware teaches having a electronic computerized system, which is able to collect, store and maintain customers' information including customer identifying information in real-time and make that information available to retail or chain store's sale force, such that a staff in the store is able to identifying customers and obtain customer profile and shopping preference information such that they are able to provide appropriate shopping assistance to that customer. Also the establishment is kept

tracking of the customer by capturing his/her image as she/he does or does not make transactions with the store. Ogasawara teach the first entity from the database information to identify customer being visited by the staff via customer profile database (sections 0013, 0014 and 0018). Ogasawara does not clearly teach recording particulars of such each customer's visit and particulars of the transaction in the database as part of a record affiliated with an identification of such each customer and recording particulars of such each customer's visit in the database as part of a record affiliated with an identification of such each customer.

However, Swartz teaches a video camera can be positioned to record customer transactions (sections 0079, 0 115 and 0191).

Therefore, It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Ogasawara with the teachings of Swartz, wherein tracking the number of visit customer is provided therein (see fig. 1 and figs. 3-4) would incorporate the use of capturing customer's transactions by a video camera, in the same conventional manner as disclosed by Swartz (section 0115). The motivation being to provide the means to keep track the visit customer movement across establishments even they do not do any transaction with the store from which a database containing the customer profile is developed.

With respect to claim 32, Ogasawara teaches wherein the processor is further configured to develop a customer profile from the database information and from identifying the customers who physically visit the one of the plurality of stations (sections 0013, 0014 and 0067).

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With respect to claim 34, Ogasawara teaches wherein the one of the plurality of stations is associated with a first organization and wherein the processor is further configured to identify customers who visit a second of the plurality of stations at a second entity, wherein some of such customers who visit the second of the plurality of stations execute a transaction with the second entity and some of such customers who visit the second of the plurality of stations do not execute a transaction with the second entity (plurality of store terminals: and see fig. 1 and fig. 7, sections 0067 and 0049).

With respect to claim 35, Ogasawara teaches wherein the processor is further in communication with the Internet and configured to identify customers who visit an Internet site affiliated with the first entity, wherein some of such customers who visit Internet site execute a transaction with the first entity and some such customers who visit the Internet site do not execute a transaction with the first entity (wireless communication and wireless remote terminals: section 0049, also sections 0038-0039).

With respect to claim 36, Ogasawara teaches a storage device configured to store customer identification information (see figs. 1 and 7, sections 0036 and 0064);

at least one communications devices configured to permit exchange of data with a plurality of stations (communication devices link to store server system such as LAN, a distributed set of network servers: sections 0068 and 0067 a plurality of store terminals);

a processor in communication with the storage device and the at least one communications device, wherein the processor is configured to identify customers who physically visit one of the plurality of stations at a first entity, wherein some of such

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customers execute a transaction with the first entity and some of such customers do not execute a transaction with the first entity (see figs 1 and 7, sections 0067-0068; also sections 0013-0014); and

for each customer who executes a transaction with the first entity and for each customer who does not execute a transaction with the first entity 9video camera which captures videographic image of a customer does/does not make transaction with the establishment (sections 0006, 0015, and 0035-0036).

Ogasaware teaches having a electronic computerized system, which is able to collect, store and maintain customers' information including customer identifying information in real-time and make that information available to retail or chain store's sale force, such that a staff in the store is able to identifying customers and obtain customer profile and shopping preference information such that they are able to provide appropriate shopping assistance to that customer. Also the establishment is kept tracking of the customer by capturing his/her image as she/he does or does not make transactions with the store. Ogasawara teach the first entity from the database information to identify customer being visited by the staff via customer profile database (sections 0013, 0014 and 0018). Ogasawara does not clearly teach recording particulars of such each customer's visit and particulars of the transaction in the database as part of a record affiliated with an identification of such each customer and recording particulars of such each customer's visit in the database as part of a record affiliated with an identification of such each customer.

However, Swartz teaches a video camera can be positioned to record customer transactions (sections 0079, 0 115 and 0191).

Therefore, It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Ogasawara with the teachings of Swartz, wherein tracking the number of visit customer is provided therein (see fig. 1 and figs. 3-4) would incorporate the use of capturing customer's transactions by a video camera, in the same conventional manner as disclosed by Swartz (section 0115). The motivation being to provide the means to keep track the visit customer movement across establishments even they do not do any transaction with the store from which a database containing the customer profile is developed.

With respect to claim 37, Ogasawara teaches wherein the processor is further configured to develop a customer profile from the database information and from identifying the customers who physically visit the one of the plurality of stations (sections 0013- 0014, section 0067).

With respect to claim 39, Ogasawara teaches wherein the one of the plurality of stations is associated with a first organization and wherein the processor is further configured to identify customers who visit a second of the plurality of stations at a second entity, wherein some of such customers who visit the second of the plurality of stations execute a transaction with the second entity and some of such customers who visit the second of the plurality of stations do not execute a transaction with the second entity (plurality of store terminals: and see fig. 1 and fig. 7, sections 0049 and 0067).

With respect to claim 40, Ogasawara teaches wherein the processor is further in communication with the Internet and configured to identify customers who visit an Internet site affiliated with the first entity, wherein some of such customers who visit Internet site execute a transaction with the first entity and some such customers who visit the Internet site do not execute a transaction with the first entity (wireless communication and wireless remote terminals: section 0049, also sections 0038-0039).

7. Claims 5-7, 11-12, 15 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pub. No.: US 2002/0016740 of Ogasawara in view of Pub. No.: US 2005/0040230 A1 of Swartz et al. (hereinafter Swartz) and further in view of Pub. No.: US 2003/0018522 of Denimarck et al. (hereinafter Denimarck).

With respect to claims 5-7, and 15, Ogasawara in view of Swartz discloses a method as discussed in claim 1.

Ogasawara and Swartz disclose substantially the invention as claimed.

Ogasawara and Swartz do not teach identifying customers biometrically, identifying a facial feature of customers, and identifying a voice pattern of customers.

However, Denimarck teaches customers' biometric characteristic and biometric sensing device for customers' fingerprint, image of customers, voice identification device for detecting a voice pattern or voiceprint associated with a customer's voice or speech characteristics (Page 2, sections 0022, 0023, 0024, 0025 and 0026).

Therefore, It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Ogasawara in view of Swartz with the teachings of Denimarck by the use of customer profile as provided (Ogasawara's fig. 1 and figs, 3-4. and Swartz's fig 2) would incorporate the user of customers' biometric characteristic such as fingerprint, image and voice pattern, in the same conventional manner as disclosed by Denimarck (Page 2, section 0022-0026). The motivation being to The motivation being to provide the means to keep track the visit customer movement across establishments even they do not do any transaction with the store from which a database containing the customer profile is developed and to make the customer recognition system having the method for identifying customers' biometric characteristic (Denimarck – Page 2, sections 0022-0026) and being easy accessible to the staffs or salespersons in the store terminal so that recognition and transaction information may be readily read or used therefrom.

With respect to claims 11-12, Ogasawara in view of Swartz discloses a method as discussed in claim 1.

Ogasawara and Swartz disclose substantially the invention as claimed.

Ogasawara and Swartz do not teach wherein the card comprises a bar code and wherein identifying customers with the card comprises reading the bar code; and wherein identifying customers with the card comprises optically reading at least a portion of the card.

However, Denimarck teaches an identification code reader such as bar code scanner for scanning a bar code from a customer's driver license (Page 3, section 0028 and Page 4, section 0037).

Therefore, It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Ogasawara in view of Swartz with the teachings of Denimarck by the use of customer profile as provided (Ogasawara's fig. 1 and figs, 3-4. and Swartz's fig 2) would incorporate the user of customers' biometric characteristic such as fingerprint, image and voice pattern, in the same conventional manner as disclosed by Denimarck (Page 2, section 0022-0026). The motivation being to provide the means to keep track the visit customer movement across establishments even they do not do any transaction with the store from which a database containing the customer profile is developed and to make the customer recognition system having the method for identifying customers' biometric characteristic (Denimarck – Page 2, sections 0022-0026) and being easy accessible to the staffs or salespersons in the store terminal so that recognition and transaction information may be readily read or used therefrom.

With respect to claim 28, Ogasawara in view of Swartz discloses a method as discussed in claim 1.

Ogasawara and Swartz disclose substantially the invention as claimed.

Ogasawara and Swartz do not teach a first set of biometric data regarding the customer from a verification instrument and a second set of biometric data from at least one feature of the customer.

However, Denimarck teaches customers' biometric characteristic and biometric sensing device for customers' fingerprint, image of customers, voice identification device for detecting a voice pattern or voiceprint associated with a customer's voice or speech characteristics (Page 2, sections 0022, 0023, 0024, 0025 and 0026).

Therefore, It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Ogasawara in view of Swartz with the teachings of Denimarck by the use of customer profile as provided (Ogasawara's fig. 1 and figs, 3-4. and Swartz's fig 2) would incorporate the user of customers' biometric characteristic such as fingerprint, image and voice pattern, in the same conventional manner as disclosed by Denimarck (Page 2, section 0022-0026). The motivation being to The motivation being to provide the means to keep track the visit customer movement across establishments even they do not do any transaction with the store from which a database containing the customer profile is developed and to make the customer recognition system having the method for identifying customers' biometric characteristic (Denimarck – Page 2, sections 0022-0026) and being easy accessible to the staffs or salespersons in the store terminal so that recognition and transaction information may be readily read or used therefrom.

8. Claims 19, 21, 33 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pub. No.: US 2002/0016740 of Ogasawara in view of Pub. No.: US

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2005/0040230 A1 of Swartz et al. (hereinafter Swartz) and further in view of Pub. No.:
US 2002/0015176 of Takao et al. (hereinafter Takao).

With respect to claim 19, Ogasawara in view of Swartz discloses a method as discussed in claim 1.

Ogasawara and Swartz disclose substantially the invention as claimed.

Ogasawara and Swartz do not teach determining a customer efficiency for at least part of the first entity, wherein the customer conversion efficiency comprises a ration of a number of customer.

However, Takao teaches calculating a ration of the number of customers who visit to establishments (sections 0014, 0027 and 0069).

Therefore, It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Ogasawara in view of Swartz with the teachings of Takao by the use of customer profile as provided (Ogasawara's fig. 1 and figs, 3-4), would incorporate the use of the number of customers' visiting to the establishment as disclosed by Takao (section 0069). The motivation being to provide the means to keep track the visited customers movement across establishments even they do or do not make any transactions with the store from which a database containing the customer profile and being easy accessible to the staffs or salespersons in the store terminal so that recognition and transaction information may be readily read or used therefrom.

With respect to claim 21, Ogasawara in view of Swartz discloses a method as discussed in claim 1.

Ogasawara and Swartz disclose substantially the invention as claimed.

Ogasawara and Swartz do not teach determining a customer efficiency for at least part of the first entity, wherein the customer conversion efficiency comprises a ration of a number of customer.

However, Takao teaches calculating a ration of the number of customers who visit to establishments (sections 0014, 0027 and 0069).

Therefore, It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Ogasawara in view of Swartz with the teachings of Takao by the use of customer profile as provided (Ogasawara's fig. 1 and figs, 3-4), would incorporate the use of the number of customers' visiting to the establishment as disclosed by Takao (section 0069). The motivation being to provide the means to keep track the visited customers movement across establishments even they do or do not make any transactions with the store from which a database containing the customer profile and being easy accessible to the staffs or salespersons in the store terminal so that recognition and transaction information may be readily read or used therefrom.

With respect to claim 33, Ogasawara in view of Swartz discloses a computer system as discussed in claim 31.

Ogasawara and Swartz disclose substantially the invention as claimed.

Ogasawara and Swartz do not teach determining a customer efficiency for at least part of the first entity, wherein the customer conversion efficiency comprises a ration of a number of customer.

However, Takao teaches calculating a ration of the number of customers who visit to establishments (sections 0014, 0027 and 0069).

Therefore, It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Ogasawara in view of Swartz with the teachings of Takao by the use of customer profile as provided (Ogasawara's fig. 1 and figs, 3-4), would incorporate the use of the number of customers' visiting to the establishment as disclosed by Takao (section 0069). The motivation being to provide the means to keep track the visited customers movement across establishments even they do or do not make any transactions with the store from which a database containing the customer profile and being easy accessible to the staffs or salespersons in the store terminal so that recognition and transaction information may be readily read or used therefrom.

With respect to claim 38, Ogasawara in view of Swartz discloses a computer system as discussed in claim 36.

Ogasawara and Swartz disclose substantially the invention as claimed.

Ogasawara and Swartz do not teach determining a customer efficiency for at least part of the first entity, wherein the customer conversion efficiency comprises a ration of a number of customer.

However, Takao teaches calculating a ration of the number of customers who visit to establishments (sections 0014, 0027 and 0069).

Therefore, It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Ogasawara in view of

Swartz with the teachings of Takao by the use of customer profile as provided (Ogasawara's fig. 1 and figs, 3-4), would incorporate the use of the number of customers' visiting to the establishment as disclosed by Takao (section 0069). The motivation being to provide the means to keep track the visited customers movement across establishments even they do or do not make any transactions with the store from which a database containing the customer profile and being easy accessible to the staffs or salespersons in the store terminal so that recognition and transaction information may be readily read or used therefrom.

9. Claims 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pub. No.: US 2002/0016740 of Ogasawara in view of Pub. No.: US 2005/0040230 A1 of Swartz et al. (hereinafter Swartz) and further in view of Pub. No.: US 2003/0018522 of Denimarck et al. (hereinafter Denimarck) and Pub. No.: US 2002/0015176 of Takao et al. (hereinafter Takao).

With respect to claim 29, Ogasawara teaches maintaining a database that includes identification information for each of the plurality of customer (sections 0011 and 0015); and

for each customer who executes a transaction with the first entity and for each customer who does not execute a transaction with the first entity a video camera which captures videographic image of a customer does/does not make transaction with the establishment (sections 0006, 0015, and 0035-0036).

Ogasaware teaches having a electronic computerized system, which is able to collect, store and maintain customers' information including customer identifying information in real-time and make that information available to retail or chain store's sale force, such that a staff in the store is able to identifying customers and obtain customer profile and shopping preference information such that they are able to provide appropriate shopping assistance to that customer. Also the establishment is kept tracking of the customer by capturing his/her image as she/he does or does not make transactions with the store. Ogasawara teach the first entity from the database information to identify customer being visited by the staff via customer profile database (sections 0013, 0014 and 0018). Ogasawara does not clearly teach recording particulars of such each customer's visit and particulars of the transaction in the database as part of a record affiliated with an identification of such each customer and recording particulars of such each customer's visit in the database as part of a record affiliated with an identification of such each customer.

However, Swartz teaches a video camera can be positioned to record customer transactions (sections 0079, 0 115 and 0191).

Therefore, based on Ogasawara in view of Swartz, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to utilize the teachings of Swartz to the system of Ogasawara for the customers who visit the establishment where the customer profile and customer information to be maintained. Ogasawara and Swartz do not teach biometric data regarding the customer from a

verification instrument, from at least one of feature of the customer and biometrically identifying customer who visit an entity from the database information.

However, Denimarck teaches customers' biometric characteristic and biometric sensing device for customers' fingerprint, image of customers, voice identification device for detecting a voice pattern or voiceprint associated with a customer's voice or speech characteristics (Page 2, sections 0022, 0023, 0024, 0025 and 0026).

Therefore, based on Ogasawara in view of Swartz and further Denimarck, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to utilize the teachings of Denimarck to the system of Ogasawara for keeping tracking of customer who visit to the establishment.

Ogasawara, Swartz and Denimarck do not clearly teach determining a customer conversion efficiency for the entity, wherein the customer conversion efficiency comprises a ration of a number of customer who visit the first entity.

However, Takao teaches calculating a ration of the number of customers who visit to establishments (sections 0014, 0027 and 0069).

Therefore, based on Ogasawara in view of Swartz, and further in view of Denimarck and Takao, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Takao to the system of Ogasawara to provide to provide the means to keep track the visited customers movement across establishments even they do or do not make any transactions with the store from which a database containing the customer profile and being easy

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accessible to the staffs or salespersons in the store terminal so that recognition and transaction information may be readily read or used therefrom.


With respect to claim 30, Ogasawara teaches administering a customer loyalty program to incentivize customers to provide the identification information (sections 0036 and 0038).

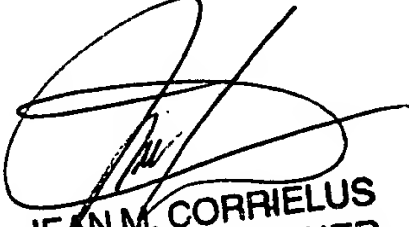
Contact Information

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh Ly whose telephone number is (571) 272-4039 or via E-Mail: ANH.LY@USPTO.GOV or fax to **(571) 273-4039**. The examiner can normally be reached on TUESDAY – THURSDAY from 8:30 AM – 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene, can be reached on (571) 272-4107 or **Primary Examiner Jean Corrielus (571) 272-4032**.

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ANH LY 
JUL. 20th, 2005


JEAN M. CORRIELUS
PRIMARY EXAMINER